

BELGIUM

OVERVIEW OF RECENT RESTRICTIONS TO CIVIC FREEDOMS



Protester near the Israeli embassy, Brussels, 29 May 2024 (Photo by Hatim Khagat/Belga Mag/AFP via Getty Images)



INTRODUCTION

This country brief covers civic space developments in Belgium between January 2023 and September 2024 and reviews some emblematic cases for freedoms of association, expression and peaceful assembly.

Civic space in Belgium is [rated](#) as 'narrowed' by the CIVICUS Monitor, a collaborative research initiative that tracks the state of civic freedoms around the world. Major recent concerns include the treatment of climate activists and protesters in solidarity with Palestine during demonstrations the authorities considered to be disruptive, requests for preventive bans on picket lines, legislative proposals aiming to curtail the right to protest and intimidation of some civil society organisations (CSOs).

ABOUT THE CIVICUS MONITOR

The CIVICUS Monitor, an online platform that tracks threats to civil society in countries across the globe, rates civic space – the space for civil society – in Belgium as **Narrowed**.

The data provides the basis for civic space ratings, which are based on up-to-date information and indicators on the state of freedom of association, peaceful assembly and expression. Countries can be rated as:

CLOSED**REPRESSED****OBSTRUCTED****NARROWED****OPEN**

JUNE 2024 ELECTIONS LEAD TO DEADLOCK

Regional, federal and European Parliament elections held on 9 June 2024 saw the right-wing New Flemish Alliance (NVA) keep its lead, with the far-right pro-separatist Vlaams Belang (Flemish Interest) in second place. The French-speaking green party Ecolo lost significant support, as did the Open Flemish Liberals and Democrats party of Prime Minister Alexander De Croo. After leading a four-year seven-party coalition, De Croo announced he would no longer pursue a second mandate given his party's poor election results. Government formation is ongoing but the process is notoriously complicated due to the need to find compromise across Belgium's language divide, in a very fragmented political landscape. This process took [a record 541 days](#) after the 2010 election.

FREEDOM OF PEACEFUL ASSEMBLY

According to data produced by [Armed Conflict Location and Event Data](#), between 1 January 2023 and 20 September 2024, 1,292 protests took place in Belgium. Of these, 1,258 took place peacefully and 34 saw police intervention. Currently, the right to protest is being violated before or during protests, as the following trends and incidents demonstrate.

RESTRICTIONS ON CLIMATE AND PALESTINE SOLIDARITY PROTESTS

As Amnesty International has [identified](#), across Europe, protests in solidarity with Palestinian people have been banned or restricted, including the banning of some chants, Palestinian flags and keffiyehs and other symbols. Authorities have also used excessive use against protesters and arbitrary detained them. These issues have been seen in Belgium.

People have organised many protests in solidarity with Palestine in Belgium. A coalition of CSOs, including trade unions organised several large marches demanding a ceasefire in Gaza, seen for example on [17 March 2024](#) and [19 May 2024](#). These have unfolded without incident. Police intervention has however been observed in relation to spontaneous protests, protests that disrupt events, protests close to embassies and protests on university campuses.

Local authorities are increasingly using [municipal administrative measures](#) to restrict freedom of peaceful assembly. Belgian municipal authorities are responsible for ensuring public order and often require prior application for a permit to hold an assembly, on the basis of a need to assess the risk for public order. This can be a lengthy procedure, making it harder for CSOs to [react](#) quickly to events. Non-compliance with municipal regulations, including authorisation requirements and participation in unauthorised assemblies, can result in administrative sanctions. The application of administrative fines is [unpredictable](#) – one protester may be fined but not others – and defence is difficult, because for those without access to pro bono legal support, court fees can be higher than the amount of the fine.



Belgian police remove students from the campus of the Free University of Brussels who had been staged a weeks-long sit-in in solidarity with Palestine, 25 June 2024 (Photo by Dursun Aydemir/Anadolu via Getty Images)

On 29 May 2024, reacting to Israel's attack on the Rafah refugee camp, protesters gathered outside the Israeli embassy in Brussels, without prior authorisation. The mayor sent police with teargas, truncheons and water cannon to move the protesters away from the embassy. According to the mayor, the heavy-handed response to the peaceful protest was due to the fact that the demonstration had not been [authorised](#). A legal complaint was filed by five complainants with the help of the law firm Progress Lawyers Network for [excessive use of force](#) against the protesters.

On 31 May 2024, in response to a peaceful demonstration outside the [US embassy](#) in Brussels

police arrested 30 people and announced they would be administratively sanctioned. On 15 July 2024, a similar protest near the Israeli embassy was again met with [teargas](#) to disperse protesters.

Tensions between police and protesters have also been seen on some university campuses where students set up protest encampments. A sit-in at the French-speaking Free University of Brussels ended with police [forcibly removing](#) students on 25 July 2024, after the university's rector had asked the protesters to vacate. The next day, students from the Dutch-speaking Free University of Brussels tried to occupy the Flemish Interuniversity Council in Brussels to demand universities end all collaborations with Israeli universities. They entered the building but the police immediately intervened to remove them. In Leuven, students abandoned their encampment after the intervention of a judge who ordered them to vacate the building. Since 30 August 2024, a dozen students who were part of a movement that occupied the Free University of Brussels have received summons from the Brussels police accusing them of criminal offences that could lead to preventive detention. The allegations include assault, participation in a hate group and property damage during the protest.

These events led a dozen human rights organisations and trade unions to issue a common [statement](#) on 20 September 2024 to express their concern about the increasing repressive measures aimed at the Palestine solidarity movement in Belgium.

Climate protests also face restrictions. On 1 May 2023, 14 [Greenpeace](#) activists from several European countries were detained for two days after [occupying](#) a liquified natural gas (LNG) terminal in Zeebrugge belonging to the Fluxys company. They protested to denounce increasing LNG imports in Europe. The action was carried out without violence and damage, but police arrested the activists for trespassing. They were prosecuted and found [guilty](#). A court in Bruges concluded that 'although in principle a protest action on climate change must be considered as part of the freedom of expression, it does not apply when taking hostage of the port facilities for almost five hours'. Sentence were suspended, but could be activated if any of the activists are arrested in the next five years.



Greenpeace action organised during the Nuclear Energy Summit on 21 March 2024, Brussels (Photo credit: Philip Reynaers / Photonews via Getty Images)

On 16 December 2023, more than a thousand environmental activists took part in Code Red, an anti-fossil fuel civil disobedience action. They tried to access and occupy two small airports to highlight the use of private jets and their climate impacts. Police [arrested](#) 535 people in and around an airport near Antwerp, including the [president of the Human Rights League](#) of Belgium, who criticised the lack of legal basis for his arrest. Most activists were arrested before they reached the protest location. At [Liege airport](#), where activists blocked a warehouse owned by e-commerce giant Alibaba, police removed 200 activists, some with force. Protesters lodged a [complaint](#) with the Standing Police Monitoring Committee, the policing oversight body, alleging police violence. Several activists claim to have been injured during police intervention in the Code Rouge operation.

These events concur with [Amnesty International](#)'s findings, highlighting that in Belgium, law enforcement officials often remove protesters taking part in peaceful acts of civil disobedience, including with excessive force and often early in protests, before protests can be considered to have caused significant disruption. Peaceful protesters are often arrested and, in some cases, charged.

LEGISLATIVE PROPOSALS TO RESTRICT PROTEST RIGHTS

On 25 April 2023, Belgium's justice minister proposed a [bill](#) to prohibit 'rioters' from participating in protests. If approved, the bill would allow judges to ban people who commit protest-related offences, such as assault, property destruction or vandalism, from taking part in future demonstrations. Trade unions, human rights organisations and thousands of people [mobilised](#) against the bill. The bill was abandoned but a new proposal was adopted on 29 February 2024 during reform of the Penal Code that also potentially puts the right to protest at risk.

The Penal Code's new article 547 introduces an offence of 'malicious attack on the authority of the State', for example by directly provoking disobedience to a law. The Federal Institute for the Protection and Promotion of Human Rights [criticised](#) multiple aspects of the Penal Code changes and over 500 academics, lawyers, trade union members and citizens published an [open letter](#) in the Le Soir newspaper calling for the proposal to be withdrawn, calling it 'antidemocratic, dangerous and unnecessary', and alerting to the potential for the state to criminalise civil disobedience and calls for civil disobedience. The new Penal Code enters into force on 9 April 2026.

UNILATERAL REQUESTS TO PREVENTIVELY BAN PICKET LINES

Labour protests are frequent in Belgium, a country with a high proportion of [unionised](#) workers. For example, thousands mobilised in Brussels against austerity measures in [December 2023](#) and [March 2024](#). In September 2024, [thousands of workers](#) protested in Brussels to express solidarity with workers concerned about closures of companies or sites, such as an Audi car factory, urging Belgian and European policymakers to adopt a stronger industrial policy capable of preserving local jobs.



Union members demonstrate against European Union policies to reduce public spending, Brussels, 3 June 2024 (Photo credit: Dursun Aydemir/Anadolu via Getty Images)

A worrying trend denounced by trade unions and legal observers is the increased use of unilateral requests by businesses to prevent collective action. These actions can be brought unilaterally in urgent matters where there is no identified adversary. In labour-related case, employers use this procedure to ask the courts to ban or order the end of a picketing activity. In March 2023, when the Delhaize supermarket chain announced a plan to turn its 128 shops into franchises, workers started protesting. The company's management requested a prohibition of picket lines in shops and warehouses across Belgium and [obtained it](#) from a first-instance court. Numerous

judicial actions challenged this prohibition, with mixed [results](#). Tensions between management and workers continued, sometimes resulting in the [detention](#) of trade union representatives for short periods during actions when they refused to cooperate with the police.

PROTEST SURVEILLANCE

The National Human Rights Institute [stressed](#) that the 'unilateral petition' procedure can only be used in labour disputes in very exceptional cases and undermines the protection of the right to strike and the right to collective action.

There is no clear legislative framework for the use of facial recognition technology by the police, even though this technology has been [used](#). National human rights organisations have warned about the dangers and asked for a ban on biometric surveillance technology. A [petition](#) was introduced by three members of human rights and antidiscrimination organisations to the Brussels parliament in 2023, followed by debate. A report has been sent to the regional government for action.



FREEDOM OF EXPRESSION AND MEDIA FREEDOM

A FREE PRESS THAT COULD BE REINFORCED BY ADDITIONAL PROTECTIONS

As in previous years, in 2023-2024 Belgium scored [positively](#) for the fundamental protection of freedom of the press and expression, according to the Media Pluralism Monitor, a research project that assesses the health of media ecosystems by using 20 indicators on fundamental protection, market plurality, political independence and social inclusiveness of media.

National experts noted a slight increase in the risk level, due to arbitrariness in accessing public information, job insecurity for self-employed journalists and the threat of criminal defamation sanctions. The legal framework is unclear regarding a priori restrictions and [how to counter strategic litigation against public participation](#) (SLAPPs). These reprisals can intimidate and obstruct the work of journalists and human rights defenders.

In one recent example, in 2024, proceedings against Alexis Deswaef, former president of the Belgian League for Human Rights, came to a halt after several [years](#). The case was brought by the police commissioner for the Brussels Capitale – Ixelles area. He accused Deswaef of harassment and insults based on comments made in the media regarding the policing of protests. In 2021, the Brussels Correctional Court ruled that these comments fell within the scope of Deswaef's freedom of expression as President of the League for Human Rights. The police commissioner then appealed before the Court of Appeal confirmed the court's findings.

In 2023, proceedings were initiated by Conner Rousseau, then president of the socialist Vooruit party, against two newspapers that had been preparing a report on racist statements he made, as recorded in a police report. Rousseau [unilaterally petitioned](#) a local judge to impose a broadcasting ban, arguing that the publication of elements of the official police report would violate his rights to privacy and to a defence. The judge issued an injunction forbidding the release of video footage, on the pretext of preserving the secrecy of a judicial investigation. National media law experts saw this as an [unconstitutional act of censorship](#) and [a disproportionate measure](#), given that the investigation involved the president of political party making remarks inciting hatred and violence and having a direct impact on his position; he later resigned over the issue. The decision was finally amended on appeal but was described as a '[troubling development](#)' by Reporters without Borders.

MEDIA ENVIRONMENT

The Media Pluralism Monitor's indicator on plurality of media providers places Belgium on a medium-risk scale, as only a handful of companies own all media outlets in the Flemish and French-speaking markets, leaving [little room](#) for small players. Market plurality is challenging as the economic and linguistic situations create a small and concentrated media market, but the position is also unclear, as media regulatory authorities have [limited data](#) regarding financial or ownership structures of digital news media.

JOURNALISTS EXPRESS SENSE OF INSECURITY

There is room for improvement in the standards and protections of the conditions that must be safeguarded so journalists can work freely and without fear. A [2023 study on the safety situation of journalists in Belgium](#) conducted by three universities surveyed almost 1,400 journalists on their profile and their daily experience of practising journalism. Overall, journalists are satisfied with their profession, but more than half said they had been subjected to some kind of threat. Verbal aggression, online and offline, was the most common, affecting 41 per cent of respondents. Other forms of harassment included legal threats. Eight per cent also said they were victims of discrimination, over seven per cent experienced transgressive sexual conduct, over five per cent faced physical violence and almost five per cent have experienced other issues such as bribery, pressure from management, wrongful termination of cooperation or moral harassment by superiors, colleagues, or sources.



Insecurity of journalists was the reason Belgium was downgraded from 23rd to 31st position on the [2023 World Press Freedom Index](#), due to journalists being subjected to intimidation and threats by protesters and police violence while covering protests, along with racist and sexist threats causing a lack of a sense of safety. After declining for two years, Belgium climbed up the list, ranking [16th](#) in 2024.

In 2023, legislation on whistleblowers was [finally adopted](#), going slightly beyond the minimum standards required in the European Union's (EU's) directive. In 2023, the relevant authorities received 1,010 [whistleblower reports](#), leading to 840 investigations.

FREEDOM OF ASSOCIATION

Belgium has a dense network of associations, contributing to social cohesion, solidarity and access to culture and healthcare. In [2022](#), more than 500,000 people were employed in CSOs. Civil society has withstood the COVID-19 crisis and inflation, thanks in part to the support of public authorities. Grants provide a relatively stable financial base for associations. In 2022, 74 per cent of associations received grants, either recurring or one-off.

The Federal Institute for Human Rights [surveyed](#) 159 non-profit organisations, de facto associations and independent public sector institutions that defend human rights and asked them to assess the state of civic space in 2022 and 2023. A [majority](#) of human rights CSOs reported facing aggression and intimidation, and a number believe the situation has deteriorated. Over the past two years, some CSOs have been politically stigmatised.

STIGMATISATION OF CSOS AND FUNDING CUTS

Mixed answers came from the 159 [surveyed](#) organisations when asked to assess the general current conditions under which they operate. A majority of the participating organisations scored conditions as 'good' or 'fair', but 10 per cent rated them as 'bad'. According to the Federal Institute of Human Rights, differences in perceptions could be explained by organisations' financial situation and their reliance on funding to operate.

Several organisations have been repeatedly faced with a reduction of their funding or the threat of this. These organisations explained that they then tend to adjust their mode of operation because of this 'insidious pressure' or they 'censor themselves' and limit their activities to avoid doing anything that might be regarded as unacceptable, guaranteeing their financial security.

In addition to financial insecurity, many human rights organisations reported experiencing challenges in participating in [policy-making processes](#). Both of these challenges worsened during the pandemic and have not improved since public health measures were lifted. Organisations championing the rights of detainees find it particularly difficult to take part in policy-making processes.

Types of intimidation and aggression organisations report being subjected to over the past two years include [legal intimidation](#) (24 per cent), bad press or negative media campaigns (22 per cent), online attacks on their IT infrastructure (19 per cent) and political sanctions (17 per cent). Examples of political sanctions include politicians not showing up at events they had said they would attend, authorities granting limited permits to protest and politicians not replying to requests or emails. Members of staff working for human rights organisations have reported being subjected to online aggression on social networks, verbal aggression offline and negative media campaigns. These attacks are often highly personal in nature.

Over the past year, as reported previously by the [CIVICUS Monitor](#) and consistent with the results of the Federal Human Rights Institute's survey, the Flemish Minister for Culture used funding conditions to [scrutinise](#) two CSOs after they made statements on Palestine, threatening to suspend or revoke funding. The CSOs continue to face increased scrutiny and assert that they are being subjected to intimidation.

In March 2024, police raided the offices of Brussels-based ZIN TV, a media outlet that often reports on social movements. Some months prior, ZIN TV had agreed to host a conference on ‘the criminalisation of Palestinian voices in the European Union’ organised by Samidoun, a solidarity network for Palestinian prisoners jailed in Israel. After some back and forth with the local administration, police officers entered the offices of ZIN TV, which employs several professional journalists, and asked to see the organisation’s financial transactions and a list of members.

A [Flemish decree](#) on funding for CSOs working on socio-cultural issues was reformed in 2023 and included a provision barring eligibility for grants to organisations that segregate according to ethnic-cultural origin.¹ This addition was immediately [criticised](#) as ambiguous and unwelcome, casting a negative light on organisations working with people with [migrant](#) backgrounds. This amendment was challenged before the Constitutional Court by a CSO federation. On 19 September 2024, the Court [quashed](#) that part of the decree due to lack of legal certainty and added that this wording ‘gives the impression that an additional negative subsidy condition lies on the socio-cultural adult organisations that unite on the basis of ethnic-cultural origin’.

On the other side of the linguistic border, on 11 July 2024, the newly formed regional Walloon government devoted part of its policy statement for 2024 to 2029 on [optimisation and harmonisation of subsidy mechanisms for CSOs](#). While the statement promises to guarantee civil society’s autonomy of action and proposes to switch to five-year rather than annual funding, it cautions that CSOs will not be able to use funding to ‘promote political parties’. It also states that ‘This is no longer the time to have ministers granting subsidies here and there, sometimes of a few hundred or thousand euros, to please very local initiatives’. This statement must be read in the context of a tense budgetary backdrop and the newly formed regional government’s vow to adopt a more rigorous approach to spending. It is unclear at this stage how it will impact on CSOs.

At the federal level, the risk of budget cuts in Belgian development cooperation looms large over current government-formation negotiations. A network organisation of 85 development CSOs in French-speaking Belgium [criticised](#) Belgium for allocating just 0.44 per cent of GNI to development aid, far short of the international target of 0.7 per cent, and [took issue](#) with the NVA’s pledge to de-federalise development cooperation, which would abolish federal spending on Official Development Assistance and the Directorate-General for Development Cooperation and Humanitarian Aid.



Tents are set up to welcome asylum seekers in Brussels as the government decided to no longer accommodate single men in the asylum seekers’ accommodation network, 15 September 2023 (Photo by Simon Wohlfahrt/AFP via Getty Images)

NO PROGRESS ON RULE OF LAW CHALLENGES

The [2024 EU Commission Report on the Rule of Law](#) continues to demand efforts from Belgium to address structural resource deficiencies in the justice system, particularly regarding the length of proceedings. In March 2024, [members of the judicial profession](#) protested throughout Belgium to express their dissatisfaction at the lack of support for the justice sector and its incapacity to fulfil its fundamental missions. In July 2024, the Federal Institute for Human Rights warned that the [shortage of hundreds](#) of judges endangers the right to obtain a judgment within a reasonable time.

1 The original article in Dutch reads, ‘Article 14, 3°: Organisaties die segregierend werken door louter terug te plooiën op etnisch-culturele afkomst, komen niet in aanmerking voor subsidie’.



National CSOs are particularly concerned about the [non-implementation](#) of court decisions, an attitude openly adopted by the Minister for Asylum and Migration. Numerous court rulings requiring the state to provide asylum seekers with accommodation and material support have been handed down but ignored. Pressure from [European](#) and [international](#) bodies on this issue have not moved the federal government's position. This '[blatant refusal to comply with the injunctions of the domestic court](#)', noted by the European Court of Human Rights in a July 2023 case against Belgium, jeopardises the principle of the rule of law.



RECOMMENDATIONS

To the federal and regional governments of Belgium

FREEDOM OF PEACEFUL ASSEMBLY:

- Remind mayors that demonstrations that have not been explicitly authorised must be tolerated and arrests must not be made without legitimate grounds, particularly when public order is not disturbed.
- Publicly condemn at the highest levels all instances of excessive and brutal force by security forces in response to protests, launch formal investigations into such instances and bring the perpetrators to justice.
- Ensure that all policing and security functions are carried out without discrimination.
- Clarify the conditions under which unilateral requests to prevent picketing (ordonnances sur requête unilatérale - eenzijdig verzoekschrift) can be brought before courts and reaffirm the exceptional nature of the procedure, particularly regarding the right to collective action.
- Adopt a legal framework on the use of biometric recognition technologies in surveillance.

FREEDOMS OF ASSOCIATION AND EXPRESSION

- Ensure CSO staff and journalists can carry their legitimate activities in a safe and secure environment without undue hindrance, obstruction, or legal, administrative, or financial intimidation or harassment.
- Reaffirm the prohibition of press censorship and provide protection mechanisms for targets of SLAPP cases.